



Essex County Council

Development and Regulation Committee

10:30	Friday, 23 October 2020	Online Meeting
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

For information about the meeting please ask for:

Sophie Campion, Democratic Services Officer

Telephone: 033301 31642

Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via online video conferencing.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

How to take part in/watch the meeting:

Participants: (Officers and Members) will have received a personal email with their login details for the meeting. Contact the Democratic Services Officer if you have not received your login.

Members of the public:

Online:

You will need the Zoom app which is available from your app store or from www.zoom.us. The details you need to join the meeting will be published as a Meeting Document, on the Meeting Details page of the Council's website (scroll to the bottom of the page) at least two days prior to the meeting date. The document will be called "Public Access Details".

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Telephone from the United Kingdom: 0203 481 5237 or 0203 481 5240 or 0208 080 6591 or 0208 080 6592 or +44 330 088 5830

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Accessing Documents

If you have a need for documents in, large print, Braille, on disk or in alternative languages and easy read please contact the Democratic Services Officer before the meeting takes place. For further information about how you can access this meeting, contact the Democratic Services Officer.

The agenda is also available on the Essex County Council website, www.essex.gov.uk. From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	6 - 6
2	Minutes To approve the minutes of the meeting held on 25 September 2020.	7 - 40
3	Identification of items involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on Tuesday before the meeting.	
4	Minerals and Waste	
4.1	Land at Bradwell Power Station, Bradwell on Sea To consider report DR/31/20, relating to continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) of planning permission ESS/14/16/MAL that was for the importation of packaged ILW from Magnox sites Sizewell "A" and Dungeness "A" to Bradwell Power Station and the interim storage within the existing Interim Storage Facility (ISF) to allow importation until 31st December 2023 and continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) of planning permission ESS/15/16/MAL that was for the importation of packaged ILW from Magnox sites Sizewell "A" and Dungeness "A" to Bradwell Power Station and the interim storage within the existing Interim Storage Facility (ISF) to allow importation until 31st December 2023. Location: Land at Bradwell Power Station, Bradwell on Sea, Southminster, Essex, CM0 7HQ Ref: ESS/86/20/MAL & ESS/87/20/MAL	41 - 65

- | | | |
|--|--|----------------|
| 4.2 | <p>Pitsea Landfill, Basildon</p> <p>To consider report DR/32/20, relating to continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility</p> <p>Location: Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH</p> <p>Ref: ESS/49/14/BAS</p> | 66 - 69 |
| 5 Information Item | | |
| 5.1 | <p>Applications, Enforcement and Appeals Statistics</p> <p>To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.</p> <p>Report DR/33/20</p> | 70 - 71 |
| 6 Urgent Business | | |
| <p>To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.</p> | | |
| 7 Date of next meeting | | |
| <p>To note that the next meeting is scheduled for Friday 27 November 2020.</p> | | |

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the

press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

8 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Sophie Campion, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor B Aspinell	
Councillor D Blackwell	
Councillor M Garnett	
Councillor D Harris	
Councillor S Hillier	
Councillor J Jowers	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor M Steptoe	

Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 25 September 2020

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr J Aldridge	Cllr M Mackrory
Cllr B Aspinell	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr D Harris	Cllr M Steptoe (for part of the meeting)
Cllr S Hillier	

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr D Blackwell.

There were no declarations of interest. Cllr Jowers raised a potential interest in agenda item 4.1 (Minute 4) having been Cabinet member when the Minerals Local Plan process was undertaken but was advised by the legal adviser that this did not need to be declared once the Minerals Local Plan was adopted as Essex County Council policy.

2. Minutes

The minutes of the meeting held on 28 August 2020 were agreed as a correct record.

3. Identification of Items Involving Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

- 1) To consider Report DR/27/20 relating to extraction of 6.5 million tonnes of sand and gravel (from Site A7 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors compound via Woodhouse Lane, with restoration to agriculture and biodiversity (species rich grassland and wetland).
Location: Bradwell Quarry
Reference: ESS/12/20/BTE

Public speakers: Coggeshall Parish Cllr Nick Unsworth, speaking against
Ms Jo Brindley, speaking against
Mr Patrick Wigg, speaking for

4. Bradwell Quarry Site A7

The Committee considered report DR/27/20 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

Members noted that the Minerals Local Plan (MLP) was adopted in 2014 and seeks to ensure a steady and adequate supply of aggregates in Essex. Site A7 is allocated as a site within the MLP but is designated as a Reserve Site.

The Committee noted the key issues:

- Need & Policy S6 of the MLP
- Prematurity to the Review of the MLP & Relationship with Coggeshall,
- Feering & Kelvedon Flood Alleviation Scheme
- Other Policy considerations
- Landscape and visual Impact
- Historic Environment
- Water Environment
- Ecology
- Noise, Air Quality and Lighting
- Traffic & Highways
- Agriculture & Soils.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Nick Unsworth, representing Coggeshall Parish Council and opposing the application. Cllr Unsworth made several points:

- Concern whether the calculations for the landbank were correct.
- It was inappropriate to consider the application at this time as the landbank had not fallen below the seven-year minimum and a review of the MLP was on-going. Housing/Infrastructure demands for aggregates was not fully known while the review was being undertaken.
- That more consideration should be given to the proposal due to come forward for the Flood Alleviation Scheme and further concern that, if approved, the two sites would be run together leading to massive over-concentration in the area.
- The impact of the sites over decades and lack of restoration.
- That the consultation has been inadequate.
- The impact of other projects in the area including the Integrated Waste Management Facility (at Rivenhall) which is the subject of a Judicial Review.

Ms Josephine Brindley, speaking as a local resident, also opposing the application, then addressed the meeting and made several points:

- Minerals are special with a finite supply and are where they are. However, people do not want to live near a quarry and therefore a plan is required. Potential over-provision was addressed by the Inspector and two of these sites were put into the MLP as reserve sites.
- Concern as to whether the conditions had been met for this site coming forward and for over-concentration of extraction in the area and over-supply.
- Concern regarding the impact on the landscape in the area.
- It would be inappropriate to approve the application due to the 2019 Local Aggregate Assessments and the fact that a review of the MLP is taking place and this decision could undermine the review process.

Mr Patrick Wigg, speaking on behalf of the applicant, Blackwater Aggregates, then addressed the meeting. Mr Wigg made several points:

- Aggregates are essential to the economy and quality of life.
- The MLP recognises that deposits can only be extracted where they exist. The planning process has an important role to safeguard mineral extraction.
- The quality, quantity, availability and range of mineral products at the Bradwell site gives a distinct justification for this application coming forward.
- Environmental net gains from responsible site management and biodiversity restoration scheme.
- Employment both direct and through support services.
- Support provided for local issues and community projects.
- Approval for this application would not result in an increase in productive output, or operating hours. It would maintain current levels of sales and production, continued employment and contribution to local economy.

In response to issues raised it was noted that:

- The MLP review was at an early stage and the public consultation had not yet started. It was clear in Central Government advice that the Plan would need to be at an advanced stage and prejudice the emerging policies to consider an application to be premature. The reserve site is already included in the MLP.
- Some of the restoration is behind where it should be but is being progressed.
- A planning application for the Flood Alleviation Scheme has not yet been submitted. It would be taken into consideration in any future reviews and in considering future sites.
- One of the reasons a seven-year landbank is required is because it takes a long time for a new site to become operational and therefore important to have reserves in place to support the future needs of the economy.

Following comments made by Members, it was noted:

- Restoration at the site was already covered by conditions within timescales; Sites A3 and A4 by the end of next year and Site A5 by the end of 2022. Extraction at Site A7, if approved, could not commence prior to the completion of extraction at Site A5.
- The calculations of sales indicated that the two reserve sites of A6 and A7 would be required within the life of the Plan by 2024 and it was appropriate to come forward at this time. Preferred site applications were still coming forward. This was not considered excessive or over-provision, the supply was being maintained at the existing level.
- The seven-year landbank was a minimum, not a maximum for advance planning.
- The Minerals Planning Authority guesstimate likely future sales and plan for supply based on national and sub-national guidelines. Compared to a ten-year sales rolling average the Inspector considered this may be over-provision but accepted the apportionment figures and included the reserve sites in the MLP. Although the ten-year sales rolling average was declining, the actual sales had increased more recently and flexibility had to be provided for. An economic up-turn could not be constrained by a lack of minerals planning.

- The Flood Alleviation Scheme was not part of the MLP and would be considered a windfall site. However, as it is likely to be of public benefit, there would be a preference that, if approved, it would be progressed before Site A7 to realise any public benefit. It would be expected to be a joint submission between Blackwater Aggregates and the Environment Agency.

The legal adviser clarified that those Members who had participated in the MLP process were not prevented from participating in the vote on this application as it was a County Council adopted policy and therefore owned by all Members. A Member would only be unable to participate if they had a specific interest beyond that process and in this particular application.

During the discussion Cllr Steptoe left the meeting due to technical difficulties and did not participate in the discussion or vote.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of ten in favour, it was

Resolved

That planning permission be granted subject to

- i. The prior completion, within 12 months, of Legal Agreements under the Planning and Highways Acts to secure: obligations covering the following matters
 - a) In the event that a planning application is made and granted for the Coggeshall, Feering and Kelvedon Flood Alleviation Scheme, the operator commits that mineral extraction operations will not take place within Site A7 at the same time as mineral extraction operations within the Coggeshall, Feering Flood alleviation scheme.
 - b) In the event that planning permission is granted for the Coggeshall, Feering & Kelvedon Flood Alleviation Scheme and arrangements or operations to enable the extraction of minerals have already commenced within Site A7 the mineral extraction operations at Site A7 shall continue and progress to the earliest point whereby Site A7 can be satisfactorily temporarily restored whereupon mineral extraction operations shall progress on the Flood Alleviation Scheme provided always that preliminary works on the Flood Alleviation Scheme may progress while Site A7 is being brought to a temporary close so that there is no gap in mineral extraction operations.
 - c) Not to commence mineral extraction operations within Site A7 until restoration within Sites A3 and A4 and New Field Lagoon (other than areas required for access or silt management) have been restored
 - d) Not to commence mineral extraction operations within Site A7 until mineral extraction operations are completed in Site A5
 - e) The quarrying and restoration operations within Site A7 will result in the cumulative creation of a total of 42.05 ha of priority habitat within the footprint of

Bradwell Quarry. In the event that Site A6 is developed a further 7.95 ha of priority habitat will be delivered. A total of 50ha of priority habitat will be created from the progression of mineral extraction and restoration operations across the Preferred Sites (Sites A3, A4 and A5) and Reserve Sites (Sites A6 and A7) within the Mineral Local Plan.

- f) Submission and approval of a Landscape and ecological management plan for 25 years for the areas of priority habitat
- g) Accruing of a fund or financial bond to cover the costs of management of the priority habitats. The operator to submit a schedule of the likely costs arising over the management period.
- h) Deeks Cottage and Haywards not to be used as residential properties whilst machinery is operating within 100m of the properties
- i) Following the restoration of Site A7 a permissive bridleway shall be created parallel and south of Cuthedge Lane and shall be available for a minimum period of 20years. Details of the bridleway to be submitted.
- j) Retention and maintenance of existing measures in the highway to prevent/discourage access onto the private access road at the crossings with Ash Lane and Church Road
- k) Disciplinary measures to be enforced by the operator if drivers found using minor roads and the crossing points to access the site
- l) In the event that the private access road and junction onto the A120 are no longer required in association with Bradwell Quarry, the Rivenhall IWMF, allocations within Minerals Local Plan or Waste Local Plan then a scheme shall be submitted to County Planning Authority to:
 - downgrade the private access road from the A120 to Church Road to a condition similar to that which previously existed prior to the operator commencing quarrying operations within Site R for agricultural purposes, including the removal of one of the bridges over the River Blackwater and removal of the right turning lane on the A120
 - reinstatement of the land to agriculture/nature conservation of the private access road from Church Road to the quarry processing plant
- m) If in the event that both:
 - the Rivenhall IWMF (Planning permission ESS/34/15/BTE or any subsequent variation) is progressed such that the Rivenhall IWMF access road has been constructed from the Bradwell Quarry mineral processing plant to the Rivenhall IWMFand

- a new A120 Trunk Road is constructed with a dedicated junction for the Rivenhall IWMF

then the operator if required to do so by the Mineral Planning Authority will make a planning application to vary the access route to Bradwell Quarry via the Rivenhall IWMF access road to the new A120 Trunk Road and if approved implement the permission.

In the event of both i and ii and the approval of an alternative means of access to Bradwell Quarry set out above the existing private access road and junction with the A120 shall be dealt with in accordance with clause (l) above

- n) Continuation of site liaison group
- o) Groundwater monitoring shall be carried out in accordance with details within the Environmental Statement
- p) Provision of bat boxes along Pantlings Lane on land owned by the London Diocesan Fund. To be provided within 12 months of completion of the agreement.
- q) Any tree or shrub forming part of the advanced planting that dies, is damaged, diseased or removed before 1 April 2026 shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to achieve at least 90% survival.
- r) To undertake the planting up of gaps in the hedgerow on west side of Site A7 within the first available planting season upon completion of the agreement.
- ii) And conditions as set out below;

ESS/12/20/BTE – Planning Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:

- Volume 1: Planning Application Supporting Statement;
- Volume 2 Environmental Statement – Files 1 and 2 - Technical Summary
- Email from Honace dated 2 June 2020, 16:13, Site A7 Lighting Clarifications and the attachments It Does Lighting Site A7 Lighting Consultation Clarifications, Lighting assessment dated 2 June 2020 Project No: 130-04-

NAD-191008-LO-LI-B and Drawing 30-04-NAD-191008-CD-LI-B Light spill assessment

- Email from Honace dated 2 June 2020, 16:13, Site A7 SUDs Clarifications and the attachment SLR letter Ref 428.07298.00004 ECC Consultation Response ESS/12/20/BTW – Bradwell Quarry – SUDS-00429 dated 2 June 2020
- Email from Honace dated 2 June 2020, 16:13, Site A7 Dust Clarifications and the attachment DustScan AQ Response to comments dated 28 May 2020
- Email from Honace dated 2 June 2020, 16:13, Site A7 Noise Clarifications and attachments Ardent Bradwell Quarry Site A7 – Response to ECC dated 27 May 2020 and Drawing 183920 / 01 Rev B Baseline Noise Monitoring Positions dated 20 January 2020
- Email from Honace dated 2 June 2020, 16:13, Site A7 EclA Addendum and attachment Green Environmental Consultants Ecological Impact Assessment Addendum May 2020
- Email from Honace dated 9 June 2020, 15:55, Site A7 Heritage Assessment Clarifications and attachment Archaeology South East Revised Heritage Impact Assessment Report No. 2020097 dated June 2020
- Email from Honace dated 9 June 2020, 15:55, Site A7 Tree Survey Addendum and attachments Blue Wigwam Arboricultural Report (BW319-AR01): Site A7, Bradwell Quarry, Essex dated 4 June 2020 and Drawing BW319.25 Site A7 RPA Earth Mound Protection Plan View dated 06 June 2020
- Email from Honace dated 10 June 2020, 13:12, Re: Bradwell Masterplan and attachment Essex County Council Pre-Application Planning Advise Planning, Ref: ESS/09/16/BTE/PRE, dated 22 July 2016
- Email from Honace dated 18 June 2020, 16:23, Site A7 Lighting Clarifications Contactor's Compound
- Email from Honace dated 18 June 2020, 17:45, Site A7 Landscape Addendum and attachments DRaW Landscape and Visual Impact Assessment dated 9 June 2020, Viewpoint No: 1 & 2 Rev A dated 20 April 2020
- Email from Honace dated 22 June 2020, 14:32, Site A7 Detailed Planting Plans and attachments DRaW drawings A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals, A7-19-02 Rev C Sheet 2 of 5 Detailed Planting Proposals, A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals, A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals and A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals dated 29 June 2020
- Email from Honace dated 14 August 2020, 10:42, Site A7 Dust Management Plan Addendum and attachment DustScan AQ Dust Management Plan, Site A7, Bradwell Quarry dated August 2020
- Email from Honace dated 25 August 2020, 10:25, Site A7 Groundwater Monitoring Scheme and attachments Honace Letter Reference No. 18-06-1812.506/1 ESS/12/20/BTE Site A7 Groundwater Monitoring Scheme dated 25 August 2020 and Drawings A7-15 Rev B and A7-16 Rev C
- Email from Green Environmental Consulting dated 1 September 2020, 18:49, Bradwell A7 Skylark and attachment Green Environmental Consulting Ecological Impact Assessment Addendum Further Information Skylarks September 2020
- Email from Green Environmental Consulting dated 8 September 2020, 10:48, Bradwell Quarry Site A7 Skylarks and attachments Green Environmental

Consulting Figure 1281/2/9B Phasing & Skylark Enhancements - Whole Scheme and Figure 1281/2/9A Phasing & Skylark Enhancements

- Email from Honace dated 8 September 2020, 15:52, RE: Bradwell A7 - ecology
- Email from Green Environmental Consulting dated 8 September 2020, 19:25, RE: Bradwell Quarry Site A7 Skylarks
- Email from Honace dated 9 September 2020, 17:14, Site A7 Noise Further Clarification and Information and attachment Ardent Bradwell Quarry Site A7 – Response to ECC dated 9 September 2020

together with drawing numbers as follows:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
A7-1 Rev A	Land Ownership and Proposed Site Plan	31-10-19
A7-2 Rev C	Proposed Extension of Existing Quarrying Operations	02-12-19
A7-3 Rev E	Existing Site Setting	06-01-20
A7-4 Rev B	Existing Mineral Processing Area	16-02-20
A7-5 Rev C	Public Rights of Way	02-06-20
A7-6 Rev C	Geological Map and Excavation Profile	07-01-20
A7-7 Rev C	Silt and Water Management	06-02-20
A7-8 Rev C	Proposed Haul Road And Crossing Details	03-06-20
A7-9-1	Site A7 Contractor's Compound Area	02-06-20
A7-09-02 Rev B	Lower Level Haul Road	18-06-20
A7-09-03 Rev B	Higher Level Haul Road	18-06-20
A7-10A Rev C	Phasing and Restoration Sequence	02-06-20
A7-10B Rev C	Phasing and Restoration Sequence	02-06-20
A7-11 Rev A	Restoration Profile	06-12-19
A7-12-1 Rev F	Restoration Masterplan	02-06-20
A7-12-2 Rev B	Restoration Masterplan - Cross Sections	04-06-20
A7-13-01 Rev G	Higher Level Restoration – Site Wide Masterplan	12-06-20
A7-13-02 Rev H	Lower Level Restoration – Site Wide Masterplan	18-06-20
A7-14	Land Classification Soils Types	06-11-19
A7-15 Rev B	Groundwater Depths and Base of Mineral	06-11-19
A7-16 Rev C	Groundwater Contours	16-01-20
A7-17 Rev C	Local Groundwater Abstraction	02-12-19
A7-18 Rev A	Site Services Plan	31-10-19
A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals	19-06-20
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals	19-06-20
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals	19-06-20
A7-20-Bio&AC	5 Year Aftercare Scheme Aftercare Areas with IWMF	12-06-20
A7-21-Bio&AC	5 Year Aftercare Scheme Aftercare Areas without IWMF	12-06-20
BW319.24	Site A7 RPA Earth Mound Protection Sectional Elevation	21-11-19

BW319.25	Site A7 RPA Earth Mound Protection Plan View	06-06-20
Figure1281/2/9B	Phasing & Skylark Enhancements - Whole Scheme	
Figure1281/2/9A	Phasing & Skylark Enhancements	

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral Planning Authority and except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 81, RLP 81, RLP 84, RLP 86, RLP 87 and RLP 105 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5, CS6, CS8 and CS9.

- The processing plant and ready mix concrete shall be operated and maintained in accordance with the details approved under Planning Permission ESS/07/98/BTE granted 24 May 1999 and details submitted pursuant to condition 6 of ESS/07/98/BTE, as amended by Planning Application ESS/19/00/BTE granted 6 October 2000. The relevant drawings as follows:

Drawing No.	Title	Scale
RK/PA/06	Processing Plan Area (Bradwell Pit)	1:1,250
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200
	Proposed Plant Location	1:1,250
E4486/3 rev B	Processing Plant – Proposed Sheeting Arrangements	1:150 & 1:500
As amended by		
702/001/PS	Landscape and site layout May 2000	1:1,250
B16r/115	Proposed modification to height of existing premix plant	1:1,250

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and BCS policies CS5, CS8 and CS9.

- The bagging plant shall be operated and maintained in accordance with the details submitted in relation to Planning Applications ESS/55/03/BTE granted 5 January 2004, as amended by ESS/22/04/BTE granted 24 September 2004, ESS/21/05/BTE granted 28 September 2005, except as varied by conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Title	Date
P2/1498/1	Location Plan	Dec 2002
P2 1498/5	Layout	Aug 2003
P2 1498/6	Elevations	Aug 2003

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and RLP 101 and BCS policies CS5, CS8 and CS9.*

- 5 The dry silo mortar plant shall be operated and maintained in accordance with the details submitted in relation to Planning Application ESS/53/05/BTE granted 2 March 2006, as amended by Planning Application ESS/32/12/BTE, as amended by Planning Application ESS/20/17/BTE, except as varied by the conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Dated
Figure 1 561071 R1	01/12/05
Figure 2 561124	19/11/05
Figure 3 561125	19/11/05
Figure 4 561148	09/12/05
DT 17434 T07802 Rev B	15/02/06
DT 17434 T07803 Rev B	15/02/06
DT 17434 T07804 Rev C	16/02/06

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and RLP 101 and BDCS policies CS5, CS8 and CS9.*

- 6 The development hereby permitted shall cease within 12 years of the date of commencement as notified under condition 1 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under condition 32, and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under condition 54 of this planning permission.

***Reason:** To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5, CS8 and CS9.*

- 7 Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development

hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and land shall be restored in accordance with the restoration scheme approved under condition 32 of this permission.

Reason: To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5, CS8 and CS9.

- 8 In the event of a cessation of winning and working of minerals for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme as defined in condition 32 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation, aftercare and time scales for implementation, shall be submitted to the Mineral Planning Authority for its approval in writing, within 9 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

Reason: To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5 and CS8.

- 9 Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable or unless the Mineral Planning Authority has agreed otherwise in writing:-

(a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

07:00 hours to 18:30 hours Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays.

(b) No operations, including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays;

(c) No use of the bagging plant, ancillary raw material bays and stocking area shall be carried out at the site except between the following times:-

07:00 hours to 18:30 Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays

Except that the bagging plant may be operated for sand bagging only between the following hours, but shall not include movements onto the public highway

06:00 to 07:00 Monday to Friday

18:30 to 22:00 Monday to Friday;

(d) No use of the dry silo mortar (DSM) plant shall be carried out at the site except between the following times:-

07:00 hours to 18:30 hours Monday to Friday

07:00 hours to 13:00 hours Saturdays

Except that the DSM may be operated to produce dry mortar between the following hours, but shall not include HGV movements onto the public highway

06:00 to 07:00 Monday to Friday

18:30 to 22:00 Monday to Friday

and at no other times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36. With respect to the DSM the 1 year period of extended hours is to allow a trial period in order to assess the impact of the additional hours on local amenity.

- 10 The bagging plant shall not operate between 06:00 and 07:00 and between 18:30 and 22:00 unless the roller shutter doors of the bagging plant are closed.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36.

- 11 From the commencement of development the operators shall maintain records of their quarterly output production of primary aggregates and shall make them available to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with MLP policies S12 and DM1.

- 12 All vehicular access and egress to and from the site shall be from A120 (Coggeshall Road) as indicated on Drawing A7-3 Rev E. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound. Vehicles associated with earth moving contractor's compound may access the earth moving contractor's compound from Cuthedge Lane and Woodhouse Lane. Any HGVs movements to the earth moving contractor's compound for fuel delivery or waste collection shall be via Woodhouse Lane.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

- 13 The development hereby permitted shall be implemented in accordance with the details for signage and routing for drivers approved on 29 May 2013 under condition 14 of planning permission ESS/32/11/BTE. To maintain the approved signage and routing arrangements for drivers visiting the site set out in the application form dated 9 March 2012 (reference ESS/32/11/BTE/14/1), emails from Blackwater Aggregates dated 29 February 2012 (13:21) with attachment "leaflet re access and egress" and dated 2 March 2012 (14:34) with photographs of signage. The "leaflet re access and egress" shall be issued to all new drivers to the site and shall be issued annually on or near the 1st April of each year to all drivers to the site.

Reason: In the interest of highway safety and to comply with MLP policies MLP3 and DM1 and BDLPR policy RLP 36.

- 14 The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interests of highway safety, to prevent material being taken onto the public highway and to comply with MLP policies S11 and DM1.

- 15 The total number of HGV (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

590 movements (295 in and 295 out) per day Monday to Friday
294 movements (147 in and 147 out) per day Saturdays

With average daily HGV movements no greater than 458 movements a day (Monday to Friday) when averaged over the calendar year (1 January to 31 December).

Records of HGV vehicle movements shall be maintained and provided to the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

- 16 No loaded Heavy Goods Vehicles (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy S11 and DM1 and BDLPR policy RLP 36.

- 17 The signs stating: 'CAUTION: PEDESTRIANS AND/OR HORSES CROSSING' and 'CAUTION: VEHICLES CROSSING' shall be erected and maintained for the duration of the development hereby permitted on both sides of the private access road and on both sides of the haul road at the points where Public Rights of Way cross.

Reason: In the interest of the safety of all users of both the Rights of Way and the haul road and to comply with MLP policy DM1 and BDLPR policy RLP 49.

- 18 The development hereby permitted shall be implemented in accordance with the signage details approved on 16 November 2012 under condition 20 of planning permission ESS/32/11/BTE. The approved signage details to deter use of the haul road and crossing points with Church Road and Ash Lane as points of access and egress to the haul road are set out in the application (reference ESS/32/11/BTE/20/1) for approval of details reserved by condition dated 8 March 2012 and emails from Blackwater Aggregates dated 6 and 27 March 2012 and associated drawings. The approved signage shall be maintained along the private access road for the duration of the development hereby permitted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy S11 and DM1 and BDLPR policy RLP 36.

- 19 Except for temporary operations, the free field Equivalent Continuous Noise Level (L_{Aeq} , 1 hr) at noise sensitive locations listed below, due to operations at the site between 07:00 and 18:30 Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the L_{Aeq} 1hr levels as set out below:

<u>Location</u>	<u>Criterion</u> <u>dBL_{Aeq} 1hr</u>
Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1 ¹	47
Silver End 2 ¹	51
Hylands 2 ²	43
Scrip's Farm 2 ²	43
Monk's Farm Cottages 2 ²	42

¹ Monitoring locations indicated on Drawing 12-2 within Chapter 12 of the Environmental Statement for Site A5 (ESS/03/18/BTE): Assessment of Environmental Noise, Report Reference: B3910 20171124 R

² Monitoring locations as shown on drawing no. 183920/01 Rev B dated 20/1/2020 entitled "Baseline noise monitoring positions".

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and

shall be corrected for any such effects. The above limits are for noise arising from all combined activities at Bradwell Quarry and the Rivenhall IWMF (if progressed).

The sensitive locations from the above list at which noise monitoring shall be undertaken shall be agreed with the Mineral Planning Authority prior to each monitoring session.

***Reason:** In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.*

- 20 During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 the free field Equivalent Continuous Noise Level (L_{Aeq} , 1 hr) at noise sensitive locations listed below, shall not exceed the L_{Aeq} 1hr levels as set out in the following table:

Location	Night Criterion (06:00 to 07:00)	Evening Criterion (19:00 to 22:00)
Bradwell Hall	42 dB L_{Aeq} , 1hr	47 dB L_{Aeq} , 1hr
Hérons Farm	42 dB L_{Aeq} , 1hr	44 dB L_{Aeq} , 1hr

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

***Reason:** In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.*

- 21 For temporary operations, the free field Equivalent Continuous Noise Level [L_{Aeq} , 1 hr] at noise sensitive properties as listed in condition 19 shall not exceed 70 dB L_{Aeq} 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations that give rise to noise levels greater than those noise limits defined within condition 20 shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation likely to give rise to noise levels above those defined in condition 20. Temporary operations shall include site preparation, bund formation and removal, topsoil and subsoil stripping and replacement and any other temporary activity that has been previously approved in writing by the Mineral Planning.

***Reason:** In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.*

- 22 Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the closest noise sensitive properties to operations on site, the particular noise sensitive locations to be monitored shall have been agreed with the Mineral Planning Authority prior to noise monitoring being undertaken.

In addition the frequency of monitoring shall be increased to monthly during periods of operations within Site A7 that are within 300m of Scrip's Farm and/or when operations are less than 6.6m below original ground level and the results shall be submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

In addition the frequency of monitoring shall be increased in the following circumstances:

- a) during periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.
- b) during periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring
- c) during periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 19, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 19 and 20, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 23 shall be implemented.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

- 23 Prior to the commencement of development a noise management plan shall be submitted to and approved in writing. The noise management shall contain the following:

- Survey locations
- Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded
- Complaint response protocols
- Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 19 and 20
- Procedures for characterising extraneous versus site attributable noise.

The noise management plan shall be implemented in accordance with approved details.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

- 24 No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

- 25 No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

- 26 No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A7-4 Rev B.

Reason: To minimise the visual impact of the development in the interests of rural amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

- 27 No additional fixed lighting, other than that detailed in the application, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

- 28 Floodlights/fixed Lighting shall not be illuminated outside the operational permitted hours set out within condition 9 and at no time on Sundays, Bank or Public Holidays except for security lighting.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

- 29 All fixed exterior lighting shall have a tilt/uplift no greater than 25 degrees.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

- 30 The development hereby permitted shall be implemented in accordance with the Dust Management Plan, Site A7, Bradwell Quarry dated August 2020 prepared by DustScan AQ.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

- 31 The internal haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

- 32 Woodland and hedgerow planting shall be in accordance with the details set out in the following drawings.

A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals

Prior to commencement of development details shall be submitted with respect to the following

- ground preparation works;
- mulching and/or measures to control weeds;
- protection measures and staking;
- removal of guards once established; and
- phasing of implementation.

The planting scheme shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

- 33 Any tree or shrub forming part of the advanced or restoration planting scheme in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be approved in advance in writing by the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

- 34 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Site A7 has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) and shall include stand-offs from existing hedges, trees, ponds and ditches,;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

- 35 No removal of trees/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted to and approved in writing by the Mineral Planning Authority which confirms that no species would be adversely affected by the removal of trees/hedgerows.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

- 36 Prior to commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures, particularly with respect to stag beetles, skylarks and bats;
 - b) designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;

e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

*Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).
and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.*

- 37 Prior to the commencement of development a Biodiversity Enhancement Strategy for the pond identified as pond "PY" on drawing 1281/2/2 – entitled Habitat Map within Chapter 7 of the Environmental Statement dated January 2020 shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- d) persons responsible for implementing the enhancement measures;
- e) details of aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

- 38 No excavation shall take place closer than 100 metres to the façade of any occupied residential property.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

- 39 No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with Drawings A7-8 Rev C, A7-10A Rev C, A7-10B Rev C, BW319.24 and BW319.25, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies MLP8 and DM1 and BCS policy CS8.

- 40 All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration of Bradwell Quarry.

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

- 41 Unless otherwise approved in writing by the Mineral Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:
- (a) During the months November and March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.
 - (b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
 - (c) There are pools of water on the soil surface.

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policy CS8.

- 42 The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

- 43 Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:
- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils, unless otherwise agreed in writing by the Mineral Planning Authority;
 - b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
 - c) not be subsequently moved or raised until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
 - d) have a minimum 3 metre standoff, undisturbed around each storage mound;
 - e) comprise topsoils on like-texture topsoils and like-texture subsoils;
 - f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

- 44 No development or preliminary groundworks shall take place until a written scheme of investigation for a programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

- 45 The programme of archaeological investigation and recording shall be implemented in accordance with the written scheme of investigation approved under condition 44 prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

- 46 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under condition 45. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

- 47 No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under condition 46.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

- 48 Unless otherwise approved in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

- 49 Surface water drainage shall be managed in accordance with the details set out in Chapter 16 of the Environmental Statement dated January 2020, in particular Section 5.0 of the report entitled "Flood Risk Assessment and Water Balance" by SLR (Report Ref 428.07298.00004 dated January 2020).

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

- 50 Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site/the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

- 51 Groundwater monitoring shall be carried out in accordance with Section 6.8 of the ES and Honace letter dated 25 August 2020 Ref: 18-06-1812.506/1 and Drawings A7-15 Rev B and Drawing A7-16 Rev C. Groundwater monitoring records shall be submitted to the Mineral Planning Authority with 14 days of a written request. In the event that groundwater monitoring effects are not as predicted in the Environmental Statement a scheme of mitigation shall be submitted to the Mineral Planning Authority within 28 days of a written request.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

- 52 Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.8 of Chapter 6: Groundwater of the ES dated January 2020.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

- 53 Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

- 54 All stones and other materials in excess of 200mm in any dimension shall be picked and removed from the final restored surface of the site.

Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policy S12 and BCS policy CS8.

- 55 An aftercare scheme detailing the steps that are necessary to bring the land to required standard for woodland and agricultural use shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works and placement of soils on site. The submitted scheme shall:
- Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
 - Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
 - Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the approved aftercare scheme.

Reason: To ensure the satisfactory restoration of the site for agriculture, woodland and nature conservation and in accordance with MLP policy S12 and DM1 and BCS policies CS5 and CS8.

- 56 No sand, gravel or aggregate shall be imported to the site for primary processing, except sand and gravel permitted for extraction under planning permission for the Rivenhall Integrated Waste Management Facility planning permission reference ESS/34/15/BTE or any subsequent amending planning permission.

Reason: To ensure that there are no adverse impacts on the local amenity from the development they were not assessed in the application details and to comply with MLP policies MLP10 and MLP11.

- 57 Not less than 66% of materials for the bagging plant shall be supplied from indigenous supplies at Bradwell Quarry. A record of imported materials to the bagging plant shall be maintained and records provided to the Mineral Planning Authority within 14 days of a written request.

Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies MLP11 and DM1.

- 58 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery except as detailed in the application shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control the development, to minimise its impact on the local area, to minimise the impact upon landscape and to comply with MLP policy DM1 and BCS policy CS5.

- 59 All sand used in the dry silo mortar plant shall be from indigenous resources at Bradwell Quarry.

Reason: In the interests of local and visual amenity and in accordance with MLP policies MLP11 and DM1.

- 60 Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with detailed submitted pursuant to condition 3 of planning permission ESS/53/03/BTE, namely emails from Cemex dated 29 May 2005 and 2 June 2008 together with Drawing No. AZ041579-03 Rev B dated 1 January 2008, as approved by ECC in letter dated 27 June 2008.

Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policies MLP11 and DM1 and BDLPR policy RLP 62.

- 61 All painted buildings and plant shall be maintained in their existing colours unless otherwise approved in writing with the Mineral Planning Authority.

Reason: To minimise the visual impact of the development and compliance with MLP policy DM1 and BCS policy CS5.

- 62 Ecological mitigation shall be in accordance with details set out in Chapter 7 of the Environmental Statement dated January 2020 in particular Table 7.8 Ecological Mitigation Proposals – Construction, Table 7.9 Ecological Mitigation and Enhancement proposals – Operation and Table 7.10 Ecological Mitigation and Enhancement Proposals - Restoration.

Reason: To allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with MLP policy DM1 and BDLPR policy RLP 84

- 63 Any works which could affect Badgers shall not in any circumstances commence unless the Mineral Planning Authority has been provided with:
- a) a licence issued by Natural England, pursuant to Wildlife & Countryside Act 1981 and the Badger Protection Act 1992, authorizing the specified activity/development to go ahead.
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected species and allow the Mineral Planning Authority to discharge its duties under the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 and s17 Crime & Disorder Act 1998 and in accordance with MLP policy DM1 and BDLPR policy RLP 84

The areas of priority habitat to be delivered as part of the Site A7 identified on drawings A7-20-Bio-AC dated 12-06-20 and A7-21-Bio&AC dated 12-06-20 shall be created within 5 years of the date of commencement as defined in condition 1.

Details of the habitats to be created shall be submitted to and approved in advance by the Mineral Planning Authority. The details shall include

- a) A description of the habitats to be created
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- a) Appropriate management options for achieving the aims and objectives;
- b) Prescriptions for management actions;
- c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- d) Details of the body or organisation responsible for implementation of the plan;
- e) On-going monitoring and remedial measures in line with requirements of the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

The details shall also set out (where the results from monitoring show that conservation aims and objectives of the details are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

- 64 In the event that this planning permission has been implemented and mineral extraction operations commence in the Coggeshall, Feering, Kelvedon Flood Alleviation Scheme (if granted permission) a temporary restoration scheme for Site A7 shall be submitted for approval by the Mineral Planning Authority.

The scheme shall include:

- The removal of all screening bunds
- Removal of stockpiles of overburden such that they are below pre-existing levels
- Removal of earth movers compound
- Details of afteruse for all areas
- Completion of all elements of the approved restoration scheme for Site A7 where practicable

The temporary restoration shall be submitted and approved prior to the commencement of mineral extraction within the Coggeshall, Feering and Kelvedon Flood Alleviation Scheme (if granted). The interim restoration shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory interim restoration of Site A7 and in accordance with MLP policy S12 and DM1 and BCS policies CS5 and CS8.

- 65 No development or any preliminary groundworks shall take place until root protection measures as detailed on drawing BW319.24 dated 21/11/19 and root protection zones calculated in accordance with BS:5837:2012 "Trees in Relation to Construction".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the protection. No alteration, removal or repositioning of the protection shall take place during the construction period without the prior written consent of the Mineral Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with MLP policy DM1 and BDLPR policy RLP 81.

5. Ashlyns Farm, Epping

The Committee considered report DR/28/20 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

Members noted that permission had been resolved to be granted for a composting facility on this site in 2005. The site throughput had been increased through subsequent planning applications in 2007 and 2019. This application sought the continued operation of the composting facility without compliance with condition 4 (waste catchment area). The proposal had initially sought a variation to condition 3 (operational hours) to allow working on Saturday afternoons and Sundays, but this

had been removed from the application during the process at the request of the applicant.

The Committee noted the key issues:

- Principle of Development
- Highways Impact
- Amenity Impact
- Other Considerations

Following comments made by Members, it was noted:

- There was a condition in place to ensure odour and noise management reports were received at frequent intervals. The current intervals for receiving those reports were considered appropriate but, could be altered in the future if required. With the odour monitoring it was clarified that it was measured from different points in and around the site, weather was taken into consideration and the presumption was on a worst-case scenario.
- That it was considered to be over-excessive to restrict the catchment. Other operators did not have similar restrictions.
- That an Informative could be included to seek liaison between the operator and the community on any matters of concern.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of ten in favour, it was

Resolved

That planning permission be granted subject to conditions covering the following matters.

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the application ref: ESS/20/11/EPF including application form dated 25 March 2011, covering letter dated 25/03/11, Noise Measurement Record submitted with covering letter dated 14/04/11, Design and Access Statement dated March 2011, Transport Report dated March 2010, Planning Statement dated March 2011, letter dated 16/05/11, emails from Charlie Trousdell dated 03/06/11, 07/06/11 07:39, 07/06/11 11:06 and 07/06/11 20:21, and emails from Ann-Marie Shivnen dated 07/06/11, 21/06/11 and 22/06/11 together with drawings numbered:
3006 002 670 (18/03/11)
3006 002 671 (18/03/11)
3006 002 SK-017 (18/03/11)
3006 002 SK-018 (21/06/11)
3006 002 SK-019 (22/06/11)
3006 002 011 Rev B (07/06/11)

AS AMENDED BY the approved details of planning application ref: ESS/29/18/EPF including application form dated 11 September 2018;

AS AMENDED BY the details of planning application ref: ESS/09/20/EPF as clarified in email titled 'RE: ESS/09/20/EPF Update' sent 20 August 2020 12:52, and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies 1, 6, 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies CP1, CP2, GB1, GB2A, HC5, NC1, RP5A, DBE9, LL1, ST3 and ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies SP1, SP6, SP7, T1, DM2, DM3, DM4, DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

3. The development hereby permitted shall only be carried out during the following times:

0700 – 1800 hours Monday to Friday

0900 – 1300 hours Saturdays

And at no other times or on Sundays or Bank or Public Holidays. For the avoidance of doubt all vehicles in excess of 7.5 tonnes (gross vehicle weight) and contractors' vehicles in excess of 3.5 tonnes (gross vehicle weight) associated with the operations shall not be allowed to enter or leave the site outside of these times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies RP5A and DBE9, of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

4. No more than 45,000 tonnes per annum of unprocessed green garden waste and green agricultural waste shall be accepted at the site. No catering, kitchen waste or processed compost shall be imported to and deposited at the site. Any non-green waste arising at the site shall be stored in a designated container prior to its removal from site.

Reason: To minimise the impacts on local amenity, to ensure that the development is carried out in the manner prescribed in the application and to comply with policies 6 and 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

5. No more than 80% (by tonnage) of the annual processed compost from the operation hereby permitted shall be exported from or sold directly from the site. A record shall be kept detailing the annual amount of processed compost and the amount of off-site sales/exports. The record shall be made available to the Waste Planning Authority upon written request.

Reason: To minimise the impacts on local amenity, to ensure that the development is carried out in the manner prescribed in the application and to comply with policies 6, 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies RP5A, DBE9 and ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies T1, DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

6. Foul and surface water drainage shall be managed and maintained as per the details approved pursuant to condition 7 of ESS/20/11/EPF: application form dated 21/08/11 and paragraph 7 of the accompanying statement entitled 'Ashlyns Conditions'.

Reason: To minimise the risk of flooding and polluting watercourses and aquifers and to comply with policies 6 and 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies HC5, NC1, RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies DM2 and DM21 of the Epping Forest District Local Plan – Submitted Version (2017).

7. The storage lagoon on-site shall be managed and maintained as per the details approved pursuant to condition 8 of ESS/20/11/EPF: application form dated 21/08/11 and paragraph 8 of the accompanying statement entitled 'Ashlyns Conditions'.

Reason: To minimise the risk of flooding and to comply with policies 6 and 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies HC5, NC1, RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies DM2 and DM21 of the Epping Forest District Local Plan – Submitted Version (2017).

8. Material that is stockpiled, deposited or formed into windrows shall not exceed 3 metres in height when measured from adjacent ground level.

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies CP2, DBE9 and LL1 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies SP6, SP7, DM3 and DM21 of the Epping Forest District Local Plan – Submitted Version (2017).

9. The total number of Heavy Goods Vehicle* (HGV) movements associated with the development hereby permitted shall not exceed 66 per day (33 in and 33 out). A permanent record shall be kept of HGV movements entering and leaving the site, which shall be made available to the Waste Planning Authority upon written request. For the avoidance of doubt, no HGV movements shall take place outside the hours of operation authorised in condition 3 of this permission.

* For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more.

Reason: To limit the volume of traffic in the interests of highway safety, residential amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies HC5, NC1, RP5A, DBE9 and ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies SP7, T1, DM2, DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

10. No loaded vehicle shall leave the site unsheeted.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policy ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policy T1 of the Epping Forest District Local Plan – Submitted Version (2017).

11. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policy ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policy T1 of the Epping Forest District Local Plan – Submitted Version (2017).

12. Space within the site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site shall be maintained as per the details approved pursuant to condition 14 of ESS/20/11/EPF: application form dated 21 August 2011, accompanying statement, letter from Robert West Consulting dated 02 September 2011 and drawing number 3006 002 670 Rev A, dated 02/09/11.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policy ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policy T1 of the Epping Forest District Local Plan – Submitted Version (2017).

13. The first 50 metres of internal access road (from the public highway), or a distance agreed in writing by the Waste Planning Authority, shall be constructed of a hard impervious surface, drained and kept clear of mud and debris throughout the life of the site.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policy ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policy T1 of the Epping Forest District Local Plan – Submitted Version (2017).

14. Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during

the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies CP2, DBE9 and LL1 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies SP6, SP7, DM3 and DM21 of the Epping Forest District Local Plan – Submitted Version (2017).

15. The free field equivalent continuous noise Level (LAeq, 1hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Spiny Lodge: 52dB LAeq, 1hr

Irenic Orchard: 45dB LAeq, 1hr

Wylding Tree Lodge: 46dB LAeq, 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policy DM21 of the Epping Forest District Local Plan – Submitted Version (2017).

16. The development shall be maintained in accordance with the approved Noise Management and Monitoring Plan, titled 'Noise Management and Monitoring Plan (Ongar)' (Version 4, undated). With regard to this, noise levels shall be monitored at three monthly intervals as per the locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

17. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise or broadband alarms. All plant shall furthermore be fitted with and use an effective silencer.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policy DM21 of the Epping Forest District Local Plan – Submitted Version (2017).

18. The development shall be maintained in accordance with the approved Odour Management and Monitoring Plan, titled 'Odour Management Plan (Ongar)' (Rev 3a, undated). With regard to this, odour levels shall be monitored at six monthly intervals at locations and methodology detailed within the aforementioned. The

results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

19.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

20. The development shall be maintained in accordance with the approved Bioaerosol Management and Monitoring Plan, titled 'Bioaerosol Management Plan (Ongar)' (Rev 3, undated). With regard to this, bioaerosol levels shall be monitored at six monthly intervals as per the locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies CP2, HC5, NC1, RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies SP7, DM2, DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

21. The development shall be maintained in accordance with the approved Dust Management and Monitoring Plan, titled 'Dust Management Plan (Ongar)' (Rev 3, undated).

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policies CP2, HC5, NC1, RP5A and DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policies SP7, DM2, DM21 and DM22 of the Epping Forest District Local Plan – Submitted Version (2017).

22. All vehicular access and egress to and from the site shall be from Epping Road (A414), as shown on the approved drawings. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policy ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008); and policy T1 of the Epping Forest District Local Plan – Submitted Version (2017).

6. Committee Public Speaking Protocol

The Committee considered report DR/29/20, which set out some proposed revisions to the text of the Committee's Public Speaking Protocol.

The paper sought:

- To update the text to take account of the introduction of virtual meetings. This is to ensure that the new arrangements are reflected in the document, to enable those that want to engage in the speaking process to understand how it will be facilitated.
- To update contact details and officer titles.
- To make some further minor changes identified during the review process.

The resolution was proposed and seconded, and following a unanimous vote of ten in favour, it was

Resolved:

That the changes to the 'Public Speaking at the Development and Regulation Committee' edition dated September 2014 are adopted.

7. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/30/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

8. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 23 October 2020, to be held as an online meeting.

There being no further business, the meeting closed at 12.09pm

DR/31/20**Report to:** DEVELOPMENT & REGULATION 23rd OCTOBER 2020**Proposal:** MINERALS AND WASTE DEVELOPMENT –

- (i) Continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) of planning permission ESS/14/16/MAL that was for the importation of packaged ILW from Magnox sites Sizewell "A" and Dungeness "A" to Bradwell Power Station and the interim storage within the existing Interim Storage Facility (ISF) to allow importation until 31st December 2023, which is the end date controlled by condition 05 (Secondary Cessation Date & ILW Limit) of planning permission ESS/14/16/MAL Ref No: ESS/86/20/MAL
- (ii) Continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) of planning permission ESS/15/16/MAL that was for the importation of packaged ILW from Magnox sites Sizewell "A" and Dungeness "A" to Bradwell Power Station and the interim storage within the existing Interim Storage Facility (ISF) to allow importation until 31st December 2023, which is the end date controlled by condition 05 (Secondary Cessation Date & ILW Limit) of planning permission ESS/15/16/MAL. Ref No: ESS/87/20/MAL

Ref: ESS/86/20/MAL & ESS/87/20/MAL**Applicant:** Magnox Limited**Location:** Land at Bradwell Power Station, Bradwell on Sea, Southminster, Essex, CM0 7HQ**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Terry Burns Tel: 03330 136440The full application can be viewed at <https://planning.essex.gov.uk>

to the tranche of power stations/interests totalling 12 in all spread across mainland UK.

The Bradwell site was the first of the Magnox estate to come off the electricity generating grid in 2007. As part of the Magnox estate wide dismantling programme Bradwell has reached in the decommissioning programme what is known as Care and Maintenance (C&M). This C&M stage is programmed to last for many decades (likely to 2083) as part of the Interim End State prior to the Final Site Clearance (envisaged by 2092). At C&M stage each site is defined in a “box” model” with all sites within the Magnox estate consisting of a number of boxes.

The Bradwell site is situated on the Dengie peninsular and fronted to the north by the Blackwater Estuary with the existing Magnox car park to the south and agricultural land to the west and east.

The complex now comprises two reactor buildings and the ISF storage facility building located within the south eastern corner of the complex.

Access to the power station is via a private road to the south of the complex that links onto the main Maldon Road via Trusses Road and the B1021 Waterside Road.

Agricultural land surrounds the site. The nearest residential properties lie to the south at Downhall Farm and the settlement of Downhall both at over 500 metres and a similar distance to the south east lies Weymarks Farm.

The nearest public access is off the coastal footpath that runs immediately to the north of the BPS complex, Public Rights of Way (PROW) exist to the west with PROW 241-1 and to the south, PROW 241-2. The BPS is open to view from vantage points on the opposite estuary banks as well as from users of the water and given the low lying nature of the land the BPS is visible from long distance views.

There have been various planning approvals relating to the site; the relevant ones being ESS/14/16/MAL and ESS/15/16/MAL determined by D and R Committee in September 2016 for:

- (i) The importation of packaged intermediate level waste from Magnox sites Sizewell “A” and Dungeness “A” to Bradwell site and the interim storage within the existing interim storage facility.
Ref: ESS/14/16/MAL
and:
- (ii) Variation of condition 3 (restriction on importation) of planning permission ESS/43/12/MAL to temporarily suspend condition 3 to allow the importation of packaged intermediate level waste from Magnox sites Sizewell “A” and Dungeness “A” into the Bradwell sites existing interim storage facility for the period up to 2023.
Ref: ESS/15/16/MAL

At the time of the 2016 committee report it was reported that: *“The proposal would seek to utilise some of the contingency space within the Bradwell ISF (the Magnox*

supporting letter gives the storage numbers for Bradwell now as generating around 173 DCICs with best estimate of 166) by the importation of around 170 (range of 165 – 195 assessed) DCICs arising from Dungeness “A” and Sizewell “A” two power station sites where a similar storage strategy also exists but no ILW building has been constructed

“Importation would take place, subject to Nuclear Decommissioning Authority (NDA) funding, between early 2018 and before 2023. The time period is seen as allowing contingency for “slippage in timescales due to, for example, reduced funding being available or changed hazard reduction priority within Magnox”.

The applicant also confirming that “The transfer of ILW packages is expected to take place over a period of up to three years (750 working days) on a campaign basis.....”.

The committee report set out conditions which included Condition 2 (Duration) which was subsequently reflected in both permissions: This stated *“All importation of Intermediate Level Waste from either the Sizewell “A” or Dungeness “A” power stations shall cease, within 4 years of the date of notification having commenced as required by Condition 1”.*

Condition 5 (Importation Limits) in ESS/14/16/MAL and similarly included as part of Condition 5 (Waste Acceptance) of ESS/15/16/MAL the following *“Unless otherwise agreed in writing by the Waste Planning Authority for a period up until the 31st December 2023, no more than a total 170 Ductile Cast Iron Containers arising from either Sizewell “A” and Dungeness “A” power stations combined shall be imported into the Bradwell site for temporary storage in the Intermediate Storage Facility”.*

2. PROPOSAL

The applicant states: *“The restrictive conditions (02 & 05) that were imposed on both of planning permissions (ESS/14/16/MAL and ESS/15/16/MAL) limit the time period in which importations of ILW to the Bradwell site can take place. Condition 02 of the respective planning permissions requires the importation of ILW to cease within four years of the importation having commenced; the cessation date is therefore 22nd March 2022 . Condition 05 of the same planning permissions includes a later importation termination date of 31st December 2023.*

As a result of delays in the processing and packaging of ILW at Sizewell ‘A’ and Dungeness ‘A’, it will not be possible to import all of the packaged ILW to the Bradwell site for interim storage within the four year period i.e. by 22nd March 2022.....

It is, therefore, proposed to remove condition 02 of each respective planning permission. To facilitate this, two Section 73 applications have been submitted to ECC. The removal of these conditions will allow the importation of ILW to Bradwell Power Station until the 31st December 2023, which as stated above is already controlled by condition 05 of each respective planning permission. ECC will retain control of the permitted use of the site and of the relevant developments.

To be clear:

- ☐ *it is not proposed to change the allowable origin of the packaged ILW stored in the Bradwell site ISF, which will continue to be controlled through the conditions imposed on planning permissions ESS/14/16/MAL and ESS/15/16/MAL;*
- ☐ *if granted planning permission, the same packaged ILW can be imported as previously permitted, the change would simply be that this can take place up to 31st December 2023 (as originally requested) rather than up to 22nd March 2022; and*
- ☐ *if not granted planning permission and the importation to Bradwell ceases within four years of commencement, i.e. by 22nd March 2022, then the development granted planning permission in October 2016 will only have been partially implemented: some imported packages will be interim stored at Bradwell but with interim storage arrangements still having to be implemented at Sizewell 'A' and at Dungeness 'A' for the ILW remaining at those sites at that time".*

Included as footnotes to the above bullet points the applicant has commented that:

"It is likely that separate applications will be made in due course to increase the maximum number of packages that can be imported from Sizewell 'A' and Dungeness 'A'. Magnox does not intend to make any such applications until it is clear that an increase is required and clear what that increase should be. Magnox's preference is also to make such applications as and when the current COVID-19 pandemic has declined to the point that more direct stakeholder engagement is possible than can be undertaken at the present time.

In the interest of openness, ECC should note that at a later date Magnox may wish to apply to amend the 31st December 2023 dates referred to in condition 05 of both permissions to provide for a time extension for the importation of packaged waste from Sizewell 'A' and Dungeness 'A'. Magnox does not intend to make any such applications until it is clear that a time extension is required and clear what that time extension should be. Magnox's preference is also to make such applications as and when the current COVID-19 pandemic has declined to the point that more direct stakeholder engagement is possible than can be undertaken at the present time".

The applicant has set out the reasons for the delay being encountered as *"Following developments in the NDA's national strategy for radioactive waste, in 2016 Magnox Ltd applied to Essex County Council for planning permission for the importation to Bradwell site of packaged ILW, until December 2023, from Sizewell A and Dungeness A sites.*

Planning permission was granted but a planning condition was imposed limiting the duration of imports to four years. Since imports commenced in March 2018, the effective end date for imports is March 2022 and not December 2023 (albeit this later date is controlled by condition 05 of the planning permissions), this then shortening the time available for the imports from that originally requested by Magnox.

It is clear now that Magnox is not able to complete the imports to Bradwell by March 2022: the rate of packaging of wastes at Dungeness A has been slower than originally anticipated and further delays are expected, and the packaging of ILW at Sizewell A has had to be deferred.

An increase in the duration of processing wastes at Dungeness A, and therefore an increase in the duration of transfers to Bradwell of these wastes, has been incurred as a result of:

- delays in retrievals of “sludge” wastes due to difficulties with retrievals equipment;*
- increased waste processing times for “wet” wastes as a result of the container “fill-dry”, “fill-dry” process taking longer than had been expected;*
- an increase in the number of packages to be filled, processed and despatched such that the predicted number of packages is now towards the upper end of the range originally discussed with Essex County Council ; and*
- operations at Dungeness A having ceased during the UK coronavirus crisis, with it presently being unclear when normal operations at Dungeness A will resume (significant delays are being incurred as a result of this alone).*

Looking forward, it may become necessary to re-locate facilities involved in the processing of wastes at Dungeness A, prior to that processing being completed, due to other site works. Relocation of waste processing facilities would likely introduce a further 12 month delay (as a minimum).

As regards Sizewell A, waste retrievals and processing work at Sizewell A have been deferred due to Magnox prioritising the allocation of its limited (i.e. finite) resources to other, on-going high hazard reduction and decommissioning projects within the company. Sizewell A has very low volumes of ILW and there are no safety implications of keeping the waste where it is for a number of years (though it cannot remain where it is indefinitely)”.

In respect of the applicant undertaking consultation/engagement with the local community in respect of the present applications, the applicant confirms that “Magnox has been discussing the inter-site transfer of packaged ILW to the Bradwell site with a number of organisations, including ECC, for several years. This has been through Local Community Liaison Committee (LCLC) meetings and through correspondence between Magnox and ECC.

The LCLC for Bradwell site provides a useful mechanism for the NDA, Magnox and the local community to communicate on forward plans for the site. In this instance and given the current situation in respect of the COVID-19 pandemic, it has not been possible to hold meetings with the LCLC (or anyone else) to present Magnox’s proposals. However, in the lead up to the submission of these Section 73 applications, local engagement has been undertaken Excluding engagement with stakeholders in relation to the original planning applications for importation of packaged ILW to Bradwell for interim storage, for these current applications, Magnox has informed the local community in writing that the present applications concerning the four year duration limit were to be made to Essex County Council in

July 2020, briefly explaining why the applications were required.

An email address was provided for comments or questions to be provided to Magnox .

More specifically, on 25th June 2020 a letter, signed by the Bradwell / Sizewell A Site Director, was sent (by email) to:

- ☐ *Maldon District Council (Chief Executive and Council Leader);*
- ☐ *All Bradwell site Local Community Liaison Committee (LCLC) members; and*
- ☐ *The clerks for all Parish Councils listed by Maldon District Council”.*

3. POLICIES

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise. Other material considerations include:

- i) The National Planning Policy Framework (NPPF) February 2019.
- ii) The National Planning Policy for Waste October 2014.
- iii) Nuclear Decommissioning Authority (NDA) Strategy (March 2016)
- iv) The Essex and Southend Waste Local Plan (adopted July 2017)
- vi) Approved Maldon District Local Development Plan 2014 -2029 (adopted July 2017).

The following policies of the Essex and Southend Waste Local Plan (adopted July 2017) and Approved Maldon District Local Development Plan 2014 -2029, (paraphrased or in quotation marks if set out in full) are of relevance to this application:

Relevant policies within The Essex and Southend Waste Local Plan (adopted July 2017) are:

Policy 7 (Radioactive Waste Management at Bradwell-on-Sea)

Seeks to support facilities for the management of ILW where proposals are consistent with:

- “a. the proposals are consistent with the national strategy for managing ILW, LLW and VLLW as well as the decommissioning plans for the Bradwell-on-Sea power station;*
- b. the proposals are informed by the outcome of economic and environmental assessments that support and justify the management of radioactive waste at this location, and;*
- c. the proposals would not cause any unacceptable adverse impacts to the environment, human health or local amenity”.*

Policy 10 (Development Management Criteria)

Provides support for waste management development where such development

can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on, and where relevant to this application:

- i) Local amenity
- ii) Appearance quality and character of the landscape and visual environment.
- iii) The character and quality of the area, in which the development is situated, through poor design.

Relevant policies with the Approved Maldon District Local Development Plan 2014 -2029 are:

- (i) Policy S1 – Sustainable Development – “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- (ii) Policy T1 – Sustainable Transport – The supporting text states, “Recognised national policy requires consideration of the transport system to be balanced in favour of sustainable transport modes” The Policy proper seeks to support measures where amongst others; it secures provision for sustainable transport in new development.

National Policy Statements

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government’s planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

The NPPF sets the scene for placing sustainable development at the heart of the planning system. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- Seek to secure high quality design and a good standard of amenity in

relation to existing occupants of land and buildings.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

National Planning Policy for Waste

The National Planning Policy for Waste was published October 2014 and sets out the national case for the management of wastes. The Introduction to this document states that it is “the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions through delivery of sustainable development and resource efficiency

The National Planning Policy for Waste published October 2014 sets out under the heading of identifying waste management facility needs that Waste Planning Authorities in their preparation of local plans identify such opportunities to meet identified needs of their area for the management of waste streams.

Waste planning authorities should also:

- *“undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management,.....;”*
- *drive waste management up the waste hierarchy recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;*
- *consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;*
- *take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;*
- *work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;*
- *consider the extent to which the capacity of existing operational facilities*

would satisfy any identified need”.

In identifying suitable sites, Waste Planning Authorities are required to assess the suitability of sites against “ each of the following criteria:

- the extent to which the site or area will support the other policies set out in this document;*
- physical and environmental constraints on development, including existing and proposed neighbouring land uses,.....*
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and*
- the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential”.*

For the determination of planning applications, the policy statement requires waste planning authorities to amongst other matters “

- “consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”*

NDA Strategy

The status of the various strategies issued by the NDA clarified by the Planning Inspector reporting into the Somerset Waste Core Strategy Local Plan in January 2013. He stated that “in essence government is responsible for high level policy whilst the NDA is the implementing organisation required to draw up strategies for safe management of Higher Activity Radioactive Waste (HAW) and LLW. The NDA explained during the examination hearings that these strategies are approved by the Secretary of State for Energy and Climate Change. Some of them explicitly state that they should be used as guidance by local planning authorities when preparing and reviewing their planning strategies for waste management. In my view the NDA strategies represent national policy for the management of these wastes for the purposes of land use planning”.

The NDA Strategy approach is addressed further in the report.

4. CONSULTATIONS

Consultees were consulted on both applications and where their responses were referenced this has been identified.

MALDON DISTRICT COUNCIL— Comment: *“The submitted details have been considered in liaison with the councils Environmental Health Officer.*

I can advise that Maldon District Council does not wish to raise an objection to the proposal, however the Council would request that a community fund be sought from the applicant, if one is not already in place as part of the original 2016 permission. The Council is of the view that the local community should see some benefits from the receiving of waste from other Magnox sites around the country.

In considering this consultation the Council has noted that the application relates to the amendment of the end date for the importation of previously permissioned waste, which was effectively controlled by another condition, and therefore no further conditions or controls are considered necessary or relevant in relation to the movement of the waste. It is noted that the number and origin of packages permitted for transportation to Bradwell would not change”.

ENVIRONMENT AGENCY (EA) – Any comments received will be reported at the meeting.

SOUTH EAST-ESSEX FIRE & RESCUE SERVICE – No objections and offer advice on Access; Building Regulations; Water and Sprinkler Systems.

NATURAL ENGLAND (NE) – Comment: *“Based on the plans submitted, Natural England considers that the proposed developments continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) will not have significant adverse impacts on designated sites and has no objection”.*

NE go on to refer to specific impacts on Sites of Special Scientific Interest and that there would be no objection.

NATIONAL RAIL – Any comments received will be reported at the meeting.

HIGHWAYS - STRATEGIC DEVELOPMENT- No objection.

PLACE SERVICES (ABOROCULTURE, ECOLOGY, LANDSCAPE, HISTORIC BUILDINGS, HISTORIC ENVIRONMENT, URBAN DESIGN) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Any comments received will be reported at the meeting.

ASHELDHAM PARISH COUNCIL – Comment: *“Members have no objections to the utilisation of Condition 5 in that the time is extended to 31st December 2023, as*

long routes 1 and 2 are utilised as specified in the Transport Management and Monitoring Scheme date 30th November 2016 and as they are not moving any more flasks than originally stipulated, it is just that more time is needed.

Members request that a community fund is considered for village”.

BRADWELL-ON-SEA PARISH COUNCIL- Any comments received will be reported at the meeting.

SOUTHMINSTER PARISH COUNCIL – Comments “ Support the proposals for both applications”.

STEEPLE PARISH COUNCIL – Comment *“Further to an extra-ordinary meeting of Steeple Parish Council on Tuesday 29th September 2020, the members have no objections to the above mentioned applications but would like to raise the following points:-*

- 1. If a further application for the cessation date of 31st December 2023 was applied for, it would not be sympathetically received.*
- 2. Travelling times are strictly adhered to and no movements are made through Steeple during the time that parents are taking/collecting children to and from school.*
- 3. To ensure that the speed limit is strictly adhered to when travelling through Steeple as there are 23 listed cottages on the main road through Steeple which is also narrow in parts, if using route 1 that are already vulnerable to the constant traffic flow.*
- 4. If route 2 is used concerns are raised that the hill on Batts Road is very steep and the road is very narrow.*
- 5. The question was asked why have the required amount of flasks not been transferred in the original time requested?”.*

LOCAL MEMBER – MALDON - Southminster - Any comments received will be reported

5. REPRESENTATIONS

Site and press (Maldon and Burnham Standard) and neighbour notifications were undertaken. As a result, five letters of representation have been received objecting to the application.

Observation

Moved to Bradwell recently and did not expect it to become a nuclear dumping ground; Sizewell and Dungeness waste should not be going to Bradwell. Floodgates could open for other sites to follow.

Comment

The background to the movement of nuclear waste under the National Strategy and the duration for the importation of ILW from the two named sites into Bradwell has already been examined through an earlier planning application and considered acceptable

by the Waste Planning Authority. Opening Bradwell to receive similar wastes from other sites would require separate planning approval in any event.

Concerned over traffic increase.

As noted above the movement of waste into Bradwell has already been separately addressed. Traffic movements associated with the importation programme is not proposed to change. Traffic issues are addressed further in the report.

No information in the public realm as to the levels of importation; whether this is monitored and how much waste is being dumped at Bradwell.

The importation of canisters into Bradwell were the subject of an application previously and the report at the time noted that up to 190 canisters had been assessed at the time for likely importation from the two named stations. A condition of permission for the importation application required regular submission of importation reports and these are regularly submitted and recorded with the applicant confirming in each report the forecast for future deliveries of canisters. These reports are publicly available.

Calling the scheme “interim” is disingenuous as the Geological Disposal Facility (GDF) is hundreds of years away. Bradwell still has additional radioactive waste left to be removed.

The “interim” nature and position of the GDF were issues discussed at the time of the previous 2016 committee report assessing the importation question. These are not matters relevant to this present application.

The handling of the remaining insitu Bradwell nuclear waste is part of the decommissioning programme set out in the National Policy Strategy III for nuclear waste handling across the Magnox estate. This programme is a separate issue to the applications now being considered for the ILW handling issues.

Roads used for the routeing are not in a good state and Essex Highways should have revisited their suitability.

The Highways Authority note that “there is no change to the original permission, it is only extending the amount of time needed to complete the work. Consequently, there are no highway safety or efficiency implications, as the original Transport Management &

Monitoring Scheme would still apply”.

Densely populated area of the country; quiet backwater; detrimental to fishing industry; earthquake fault zone; detrimental to environment and wildlife and potential harm to all forms of life.

The proposal is related to a time related aspect and the importation into an existing facility has already been considered acceptable in the past.

6. APPRAISAL

The principal issues in respect of this proposal are considered to be:

A. Timescale

B. Other issues/representations – Traffic; Funding

A TIMESCALE

The timescales for the receipt of ILW from the two named power stations was detailed at the time in the 2016 Committee report; and for background and clarity purposes it was stated at that time *“the provision of the existing Bradwell ILW facility was based, at the time of application ESS/43/12/MAL, on the predicted number of containers considered to be generated at Bradwell from the decommissioning programme then being pursued. Post that determination the decommissioning programme has progressed with experience in the waste handling of the types of waste arising at the former power stations. Technological advances and the ability to handle and deal with the waste types have changed. The applicant has confirmed that waste categorisation and technology has reduced the predicted quantities of Bradwell waste requiring to be stored in its dedicated ILW facility. This has resulted in “more shelf space” being available.*

The national decommissioning process is being guided by an overarching strategy approach known in its latest iteration as Strategy III that became effective April 2016 following its presentation to Parliament and subsequent publication. Strategy III follows on from earlier United Kingdom Atomic Energy Authority (UKAEA) studies and is now “owned” by the successor body the NDA as the national nuclear decommissioning agency. The Strategy represents the latest Government, policy approach to the nuclear legacy and outlines the long term objectives for addressing this. Inspectors at local plan inquiry have acknowledged this policy status as with the Inspector at the Somerset Local Plan Inquiry 2012. The emerging nuclear policy within the Essex Replacement Local Plan submitted to the Inspectorate reflects conformity to this national strategy.

The NDA completed a consultation on the Optimisation approach to ILW guided by Strategy III and reflects the best value to the public purse/sustainable and what is the logical approach to handling the remaining ILW across the Magnox estate. This Optimisation Strategy entitled “Optimising the number and location of FED treatment facilities and ILW storage facilities on Magnox Limited sites -Final Preferred Option” was published March 2015. The document seeks to use and optimise the ILW facilities already in place and in this regard proposes for the Magnox sites in the East of England to work together, such that the Bradwell ILW facility could accommodate ILW arising from Sizewell “B” (Suffolk) and Dungeness

“A” (Kent). A similar arrangement would exist in the West of England with Berkeley, Oldbury and Hinkley working together.

The Bradwell ISF was designed to temporarily accommodate the onsite ILW until the national geological disposal facility (GDF) became available. This national facility is a separate proposal that is being progressed at a national level with a currently envisaged availability date of 2040 (and the applicant to this application stating that for Magnox the availability would be around 2060 as referenced in Strategy III)”.

Following planning approval, a condition was imposed that required as part of the approved Transport Monitoring Plan, regular updates on ILW transportation. Magnox submits regular updates on its movement programme. In its last monitoring submission, dated September 2020 it was stated *“that all operations at Magnox sites ceased at the end of March 2020 due to the prevailing coronavirus situation. As a result, no waste packages were imported to Bradwell and the figures remain unchanged from those previously reported which related to there having been::*

- (i) 87 packages so far delivered from Dungeness with 78 by rail and 9 by road due to works at Southminster railhead.*
- (ii) Some 83 packages still to be delivered (72 Dungeness and 22 from Sizewell). 50 of the 72 from Dungeness to be delivered by rail then road. The remaining packages from Dungeness (22) and all those from Sizewell would be road delivered.*
- (iii) Predicted that some 35 packages to be delivered over the next 6 months”.*

Further stating *“Magnox maintains a prediction of inventory package numbers and currently this has identified some 190 containers (in the December 2019 report for transport movements Magnox had looked at there being some 177 containers) to arise during the decommissioning process with the increase on the previously envisaged 170 arising from the Dungeness compliment from the current 90 containers to 97.*

“...it should be noted that predicted package numbers may increase or decrease, with uncertainty in the final number reducing as waste retrievals and packaging progress. There are opportunities to reduce package numbers and risks that they will increase.

Package numbers may increase because of a range of issues: for example, additional wastes could be categorised as ILW instead of LLW; the solids loadings in wet wastes could be found to be higher than assumed; wastes may require a different type of container with a lower internal capacity than the container originally assumed; or compaction of solid wastes may be not be successful. Conversely, package numbers may decrease if wastes initially assumed to require packaging as ILW are found to be disposable as LLW, or if the solids loadings of wet wastes are found to be lower than assumed, or if volumes had been over-estimated etc”

At the time of the 2016 applications the applicant had stated that importation would likely commence in 2018 and take place over a three year period on a campaign

basis. The application also confirming that allowing for programme slippage it was envisaged that importation to Bradwell would be completed by 2023.

As a consequence the committee report recommended conditions to cover those aspects with two Conditions; the subsequent Condition 2 requiring, when importation commenced for this to be completed within 4 years of notification (this 4 year period had been agreed with Magnox); whilst subsequent Condition 5 set the outside date of 31st December 2023 as the period by which all the importation would have to be completed by in any event.

The effect of the present applications are in themselves a “tidying up” of the extant permissions to maintain clarity and confirm the final importation deadline.

Whilst the acceptability of use of the Bradwell storage facility is not an issue being considered by these present applications the utilisation of the Bradwell ISF by the named sites is still considered to be in conformity with Strategy III and Policy 7.

B OTHER ISSUES/REPRESENTATIONS - TRAFFIC

The applications do not propose any increases in traffic generation, over the present situation, nor seek to extend beyond the overall 2023 deadline. The existing programme of predominantly rail delivered waste canisters into nearby Southminster and then the short road movement to Bradwell would continue. Movement of canisters has not, to date given rise to local concerns expressed through to the Waste Planning Authority.

Steeple Parish Council has commented upon the transport aspects earlier in this report. The approved transport management scheme already provides for avoiding school movement times and the approved routes remain as for the two transport options these being:

Rail/Road: The principal HGV transfer route from the Southminster railhead would be via the B1018, Steeple Road, Foxhall Road, Batt's Road, Bradwell Road, Steeple Road, Maldon Road, Trusses Road and the Bradwell Site Approach Road.

Road Only: The proposed route seeks to utilise the most appropriate classified highways available.

The principal route for HGV only transport would be from the principal road network at Maldon, via B1018 to Latchingdon, followed by the unclassified road C111 through the settlements of Mayland and Steeple, and then the B1021 to the Bradwell site.

The Highway Authority has not raised any objection to the proposals on highway suitability or safety grounds. Overall transport movements will be predominantly rail weighted and the transport aspects remain appropriate and considered in accordance with Policies 10; S1 and T1.

C OTHER ISSUES/REPRESENTATIONS – FUNDING

Maldon District Council whilst not objecting, raises a question concerning

contributions for a community fund if one had not previously been set up.

The applicant has responded on that query and stated *“Following due consideration by Essex County Council of the original proposals to import waste to Bradwell under the 2016 application process, such a community fund was not considered by Essex County Council to be required to make the proposals acceptable in planning terms and, therefore, such a fund was not secured as part of the original planning permissions. Nevertheless, as highlighted during the consideration of the 2016 applications, Magnox as a whole runs a socio-economic scheme through which local communities can write-in and bid or request future to support local projects or initiatives, and this remains the case.*

In any case, under the current applications, the number of packages will not be increased beyond the originally consented amount. As such, there will be no additional impact upon local residents that would warrant the consideration of compensation”.

It should be noted that Maldon District Council did not seek any funding element at the time of the consideration into the 2016 applications seeking the importation request. Funding considerations were raised during the (recorded) verbal presentation of the then committee reports into the 2016 applications by the planning officer at the time. The committee were appraised that in response to third party representations concerning tourism aspects being impacted by the then application that Magnox hosted a socio economic fund for the area. Whilst such monies were ultimately arising from the public purse, the local community could bid for funding arrangements through this funding. Any “community benefits” as such arising from the proposals before the committee would best be channelled through that scheme.

It is considered that this socio economic fund would still remain a relevant source of funding to the local community. It is not considered appropriate to be seeking specific funding for the remaining importation elements.

7. CONCLUSION

The report has found that the receipt of ILW into Bradwell has already previously been approved and the proposals acknowledged as being in line with national policy initiatives. The control over the importation of the ILW canisters into the Bradwell storage facility is exercised through various conditions attached to the extant permissions.

The effect of these present applications would be in effect “a tidying up” of the conditions whilst leaving in place the overall cessation date of December 2023 for the receipt of the ILW canisters into Bradwell.

The proposals would seek the continued delivery method and programme already in place for receipt of the ILW canisters.

The report takes the opportunity of updating the other extant conditions and the overall proposals are considered to accord with the development plan.

8. RECOMMENDED

That for:

- (A) **ESS/86/20/MAL** planning permission be granted subject to the following conditions:

Commencement and Duration

1. The development hereby permitted shall be deemed as commenced from the 22nd March 2018.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Details

- 2.. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/14/16/MAL comprising:

- (a) Letter from Bilfinger GVA dated 30th March 2016;
- (b) Planning application form from Magnox Limited dated 30/03/16;
- (c) Planning Statement entitled "Planning Applications for Import of Packaged ILW for Interim Storage" dated March 2016;
- (d) Drwg No: BR/AO/2053 entitled "Application Site Boundary for ILW Store" dated 13/06/11.

As amended by the:

- (e) Transport document entitled "Transport of Dungeness "A" and Sizewell "A" ILW packages to Bradwell; Mode of transport selection and justification" Dated 11th July 2016; and
- (f) Statement of Community Involvement dated June 2016.

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/14/16/MAL addressing:

- a) For Condition 6 (Transport Plan) – The Transport plan shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 6 of planning permission reference ESS/14/16/MAL comprising:
 - i) The letter from GVA Bilfinger dated 30th November 2016;
 - ii) Application form from Magnox Limited dated 30/11/16 and
 - iii) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.
- b) For Condition 7 (Transport Monitoring Plan) - The Transport Monitoring programme shall be carried out in accordance with the

details of the scheme approved on 11th January 2017 under Condition 7 of planning permission reference ESS/14/16/MAL comprising:

- (i) The letter from GVA Bilfinger 30th November 2016;
- (ii) Application form from Magnox Limited dated 30/11/16 and
- (iii) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

As amended by planning application ESS/86/20/MAL comprising:

- (g) Planning application form from Magnox Ltd dated 10/07/20
- (h) Supporting letter from Avison Young dated 10/07/20.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Availability of Plans

3. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the to the Essex and Southend Waste Local Plan Policies 7 and 10 and National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Importation Limits

4. No more than a combined total of 170 ductile cast iron containers containing waste arisings from Sizewell 'A' and Dungeness 'A' power stations shall be imported to the Bradwell site for storage in the Interim Storage Facility. All such importation shall cease by 31st December 2023.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Waste Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

Transport Plan

5. The Transport Plan shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 6 of planning

permission reference ESS/14/16/MAL comprising:

- a) The letter from GVA Bilfinger dated 30th November 2016;
- b) Application form from Magnox Limited dated 30/11/16 and
- c) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Waste Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Transport Monitoring Programme

6. The Transport Monitoring programme shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 7 of planning permission reference ESS/14/16/MAL comprising:

- (a) The letter from GVA Bilfinger 30th November 2016;
- (b) Application form from Magnox Limited dated 30/11/16 and
- (c) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

Reason: In the interests of clarity and on the basis of which the modes and percentage split of what transport would be undertaken formed an important aspect on the acceptability of the scheme and to ensure appropriate control is maintained by the Waste Planning Authority and reassessment of the application made should the percentage of rail mode transport fall below 80% overall having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

- (B) That for **ESS/87/20/MAL** planning permission be granted subject to the following conditions:

COMMENCEMENT AND DURATION

1. The development hereby permitted shall be deemed as commenced from the 22nd March 2018.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Details

2. (A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/45/11/MAL dated 18th August 2011 comprising:

- (a) Covering letter dated 22 August 2011,

- (b) Design and Access Statement dated August 2011,
- (c) Planning Statement received 25 August 2011,
- (d) Document entitled 'Protected species and designated area information' received 25/08/11,
- (e) Document entitled 'Note 1 - Land Quality' received 25/08/11,
- (f) Amec Native Reptile Presence/Absence Survey dated October 2009,
- (g) Amec Biodiversity Action Plan dated April 2009
- (h) Document entitled 'Arrangements for management of Land Quality' dated 01/06/11;
- (i) Emails from Chloe Gamble dated 05/10/11, 28/10/11, 01/11/11 11:46, 01/11/11 12:29, 02/11/11, 04/11/11 and 09/11/11.

Together with accompanying drawing numbers:

- (i) BR/A0/2053 Rev P2 dated 15/06/11,
- (ii) 214955-A-103 Rev S1 dated 05/05/11, (III) 214955-A-102 Rev S1 dated 05/05/11,
- (iii) 214955-A-106 Rev S2 dated 17/08/11,
- (iv) 2267/038 dated 26/04/11,
- (vi) 2267/02B dated 26/04/11 and (VII) 2267/04B dated 26/04/11.

(B) In respect of dust suppression those details as set out in:

- (a) application form dated 6 December 2011,
- (b) covering letter dated 6 December 2011,
- (c) supporting statement entitled "Discharge of Condition 6- ESS/45/11/MAL- Dust Minimisation Plan" dated 5 December 2011 and
- (d) email from Chloe Gamble dated 19 January 2012

(C) As amended by the application ESS/43/12/MAL dated 16 May 2012 and validated on 28 June 2012 together with the letter dated 25 June 2012 (ref: ECC00053) 'ESS/45/11/MAL- Variation of Condition 4'.

(D) As amended by application ESS/15/16/MAL comprising

- (a) Letter from Bilfinger GVA dated 30th March 2016;
- (b) Planning application form from Magnox Limited dated 30/03/16;
- (c) Planning Statement entitled "Planning Applications for Import of Packaged ILW for Interim Storage" dated March 2016;
- (d) Drwg No: BR/AO/2053 entitled "Application Site Boundary for ILW Store" dated 13/06/11.

As amended by the:

- (e) Transport document entitled "Transport of Dungeness "A" and Sizewell "A" ILW packages to Bradwell; Mode of transport selection and justification" Dated 11th July 2016; and
- (f) Statement of Community Involvement dated June 2016.

(E) As amended by application ESS/87/20/MAL comprising

- (a) Planning application form from Magnox Ltd dated 10/07/20
- (b) Supporting letter from Avison Young dated 10/07/20.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Availability of Plans

- 3. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the Essex and Southend Waste Local Plan Policy 10 and National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Waste Acceptance

- 4. (a) Other than as set out in Condition 4(b) below no waste other than those waste materials defined in the application details submitted under planning application ref no: ESS/45/11/MAL and arising from within the Bradwell site boundary as indicated in blue on drawing reference BR/A0/2053 Rev P2 dated 15/06/11 shall enter the building hereby permitted.

(b) No more than a combined total of 170 ductile cast iron containers containing waste arisings from Sizewell 'A' and Dungeness 'A' power stations shall be imported to the Bradwell site for storage in the Interim Storage Facility. All such importation shall cease by 31st December 2023.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Environmental Protection Silencers

- 5. All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to the Essex and Southend Waste Local Plan Policy 10 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Dust Suppression

6. The scheme to minimise dust emissions set out in application form dated 6 December 2011, covering letter dated 6 December 2011, supporting statement entitled "Discharge of Condition 6- ESS/45/11/MAL-Dust Minimisation Plan" dated 5 December 2011 and email from Chloe Gamble dated 19 January 2012 approved by letter from ECC dated 25 January 2012 shall be implemented in accordance with the approved scheme. The dust suppression measures shall be retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To protect the amenity of neighbouring occupiers during the life of the site activities approved under this permission having regard to the Essex and Southend Waste Local Plan Policy 10 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of dust emissions.

Storage

- 7 Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All: fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage.

Reason: To prevent contamination of the soil resource and pollution of the land drainage/groundwater regime having regard to the Essex and Southend Waste Local Plan Policy 10.

Use of the Intermediate Waste Storage Facility

8. The use of the Interim Waste Storage Facility for the storage of Intermediate Level Waste shall cease and all Intermediate Level Waste containers shall be removed out of the Bradwell facility within 3 years of the national Geological Disposal Facility, or alternative repository, being commissioned and available for receipt of the Bradwell stored Intermediate Level Waste.

Reason: In the interest of clarity and to ensure development is carried out in accordance with the approved application details and to which the original application ESS/43/12/MAL sought to accommodate Intermediate Level Waste until a suitable national repository became available to accommodate the Bradwell Interim Level Waste and was the basis upon which the application was subsequently approved and was not intended to become a permanent repository of the Intermediate Level Waste having

regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

Removal of Intermediate Level Waste

9. No Intermediate Level Waste shall leave the Bradwell Intermediate Storage Facility until a scheme to address the removal from the former Bradwell Power Station site to the national Geological Disposal Facility, or alternative repository, has been submitted to the Waste Planning Authority. The removal of Intermediate Level Waste shall be in accordance with the approved scheme.

Reason: In the interest of clarity and to ensure development is carried out in accordance with the approved application details and for ensuring that Intermediate Level Waste is ultimately removed from the facility and to which the original application ESS/43/12/MAL sought to accommodate Intermediate Level Waste until a suitable national repository became available to accommodate the Bradwell intermediate Level Waste and was the basis upon which the application was subsequently approved and was not intended to become a permanent repository of the Intermediate Level Waste having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would be located adjacent to several European sites (Essex Estuaries Special Area of Conservation, Blackwater Estuary SPA, Dengie SPA, Colne Estuary SPA, Crouch and Roach Estuaries SPA, Foulness SPA, Blackwater Estuary Ramsar Site, Dengie Ramsar site, Colne Estuary Ramsar Site, Crouch and Roach Ramsar Site, Foulness Ramsar Site, Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone, Blackwater Estuary Site of Special Scientific Interest (SSSI), Dengie SSSI, Colne Estuary SSSI, Crouch and Roach Estuaries SSSI and Foulness SSSI) and would not be directly connected with or necessary for the management of that site for nature conservation.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European sites, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.

LOCAL MEMBER NOTIFICATION

MALDON - Southminster

DR/32/20

Report to: DEVELOPMENT & REGULATION (23 October 2020)

Proposal: MINERALS AND WASTE DEVELOPMENT - Continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility

Ref: ESS/49/14/BAS

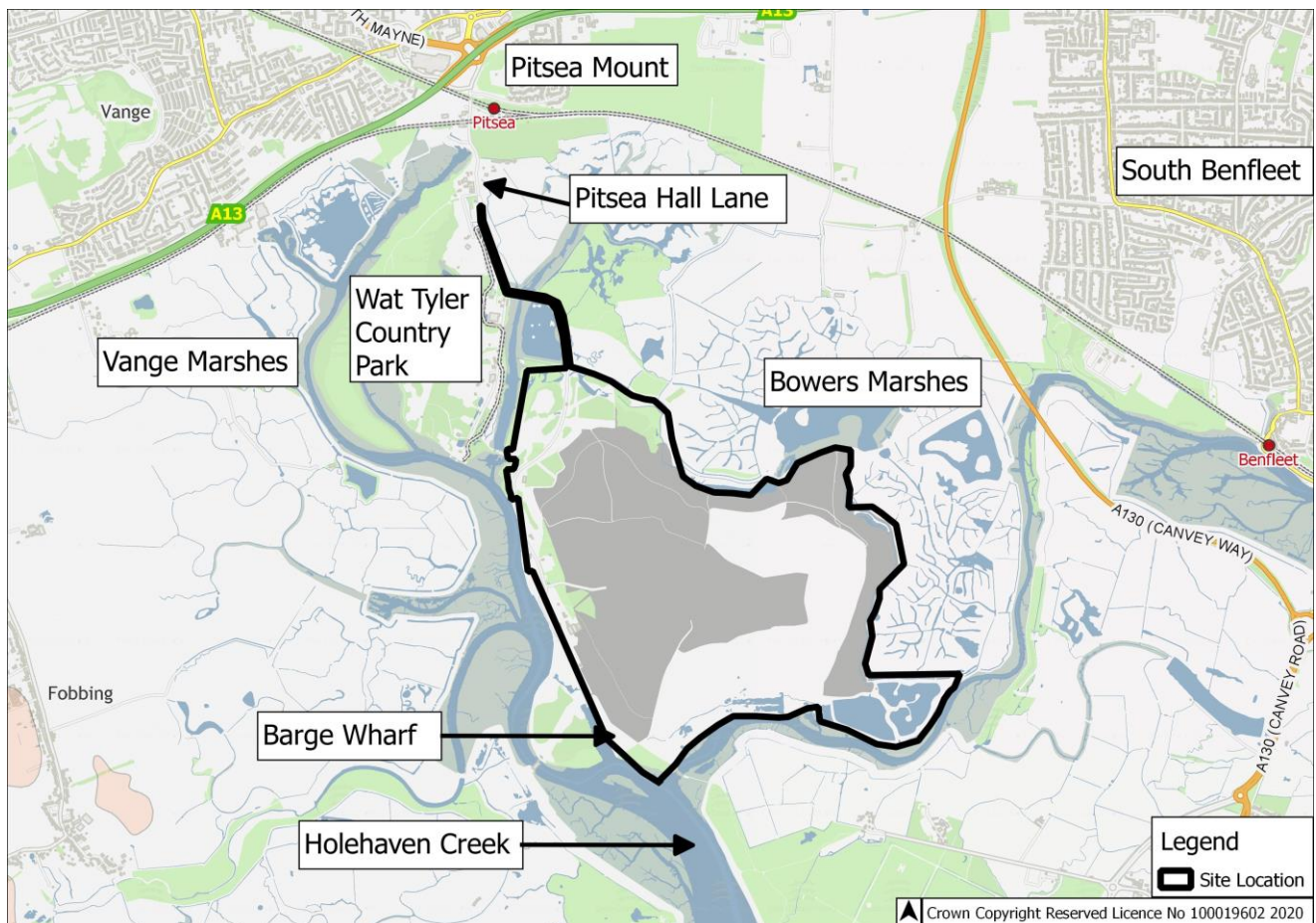
Applicant: Veolia ES Landfill Ltd

Location: Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH

Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Claire Tomalin Tel: 03330 136821

The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

In January 2020 the Committee considered a report in relation to the Pitsea Landfill Site (previous report [here](#)). A further update was provided in July 2020 (previous report [here](#)).

Pitsea landfill has been in existence for many years dating back to early 1900s and has been subject to a number of planning applications.

The last planning permission was granted in 2007 and gave planning permission for the landfill to continue with landfilling to be completed in 2015 and restoration completed in 2017.

Planning application ESS/49/14/BAS was made in 2014, seeking to extend the life of the site, such that landfilling would be complete by 2025 and restoration by 2027 as at that time it was considered due to a number of factors landfill input rates were likely to decline.

The Development & Regulation resolved in September 2015 to grant the extension of time application, subject conditions and legal agreements.

The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site.

Neither of these legal agreements have been completed and as a result Pitsea has been operating without the benefit of planning permission, although the site has been operated in the spirit of the previous planning conditions.

Veolia in January 2020 were considering alternatives to address the issue of the pedestrian bridge and long-term management of site and submitted revised details in May 2020, that were subject to consultation.

Members resolved in January 2020, that it was not expedient to take enforcement action, but to allow Veolia time to submit revised proposals and that the situation should be reviewed in 6 months time i.e. July 2020.

In July it had been anticipated that the outstanding issues would be resolved within 3 months i.e. October 2020, unfortunately that has not been the case.

2. SITE

Pitsea Landfill is located southeast of Pitsea in Basildon District. The landfill site comprises the south-western quadrant of Bowers Marshes, a former salt marsh within a tract of marshland extending from Stanford-le-Hope to Hadleigh on the northern reaches of the Thames estuary. The landscape is predominantly low lying at approximately 2 metres Above Ordnance Datum (AOD) and is dissected by a network of watercourses. Holehaven Creek is to the south with Vange Creek to the west.

Nearby settlements include Pitsea (2km) and Basildon to the north, Canvey Island (1.5km) to the south east, Fobbing/Corringham (2.5km in Thurrock) to the west and South Benfleet (1.5m) to the north east. Thames Enterprise Park and DP World are located to the south (1.5km in Thurrock). The nearest residential property is on Canvey Island at Northwick which is 500m from the site, but approximately 800m from the landfill.

Most of the reclaimed marshland is retained in permanent pasture and has a high ecological value. Bowers Marsh to the north-east of the site has been transformed from pasture into an RSPB reserve with creeks and water bodies created to attract birdlife. The landfill site is surrounded by ecologically nationally and locally designated areas including Pitsea Marsh SSSI, Vange & Fobbing Marshes SSSI, Holehaven Creek SSSI, Bowers Marsh Local Wildlife Site (LWS), Pitsea Landfill LWS and Vange Creek LWS. Also within 2km are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site) and Thames Estuary & Marshes SSSI/SPA/Ramsar. Wat Tyler Country Park lies north-west of the site.

Access to the site is via Pitsea Hall Lane, which is a no through road, running south from the A132 junction with the A13. Pitsea Hall Lane also provides access to Wat Tyler Country Park. The dedicated concrete site access road, approximately 1km in length, runs from the end of Pitsea Hall Lane and enters the site at its north-west boundary, running primarily along the western edge of the facility. The access road is also designated as an escape route in the event of an emergency on Canvey Island.

The majority of existing buildings within the site are located alongside this road. These include the gatehouse, the site offices, an in-vessel composting facility (being demolished) and windrow composting facility, storage buildings, generator compound producing electricity from landfill gas, workshops and associated fixed plant.

3. CURRENT POSITION

In May 2020 Veolia submitted revised proposals, namely to provide funding for enhancement to the existing bridge to improve pedestrian and cycle access and alternative arrangements for the long-term management of the site.

These revised details have been subject to consultation, including Basildon Borough Council, Natural England and Network Rail, all of which have raised issues to be addressed.

Negotiations to resolve these issues have been on going.

Due to changes in legislation and as a result of case law Natural England requested that the proposals at Pitsea Landfill, be subject of an Appropriate Assessment under the Habitats Regulations. The Appropriate Assessment has been undertaken and Natural England has now confirmed it has no objection subject to conditions and obligations under a legal agreement to ensure delivery of

the proposed restoration doesn't impact protected areas near to the site.

The proposed works on Pitsea Hall Rail Bridge will require from Network Rail, what is known as an "Basic Asset Protection Agreement" and a financial sum has to be agreed; negotiations with respect to an appropriate sum are ongoing.

Basildon Borough Council has requested consideration be given to their emerging cycling/pedestrian strategy and Essex Highways are investigating what improvements could be provided (to be funded by Veolia) that would link the pedestrian/cycle improvements across the bridge to the existing footpath/cycleway on Pitsea Hall Lane and whether the existing cycleway/footpath would benefit from maintenance.

At this time, therefore, a recommendation on the application has been delayed pending the outcome of these further issues.

Veolia have been acting in a positive and proactive manner to address the current breach of planning control and works on site have continued to progress the capping and restoration of the site. It is considered that with more time the outstanding issues can be resolved.

4. RECOMMENDED

That it is not expedient to take enforcement action at this time and that a further 6 months be given to allow resolution of the outstanding issues with respect to the submitted revised proposals. If within 6 months a report has not been brought before the Committee with a recommendation on the application, then the expediency of enforcement action will be reviewed again at that time.

LOCAL MEMBER NOTIFICATION

BASILDON – Pitsea

BASILDON - Westley Heights (within 250m)

ROCHFORD - Canvey Island West (within 250m)

DR/33/20**Report to:** DEVELOPMENT & REGULATION (23 October 2020)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of August

37

Nº. Decisions issued in September

2

Nº. Decisions issued this financial year

12

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in September

0

Nº. applications where Section 106 Agreements pending at the end of September

7

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Pending at the end of August	11
Nº. Decisions issued in September	2
Nº. Decisions issued this financial year	22
Nº. Delegated Decisions issued in September	2

All Applications

Nº. Delegated Decisions issued in September	2
Nº. Committee determined applications issued in September	2
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	91
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of September	64
Nº. of referrals to Secretary of State under delegated powers in September	0

Appeals

Nº. of outstanding planning and enforcement appeals at end of September	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

Enforcement

Nº. of active cases at end of last quarter	37
Nº. of cases cleared last quarter	12
Nº. of enforcement notices issued in September	0
Nº. of breach of condition notices issued in September	0
Nº. of planning contravention notices issued in September	0
Nº. of Temporary Stop Notices issued in September	0
Nº. of Stop Notices issued in September	0